

remarks is respectfully requested and allowance of the application is respectfully requested.

Rejection of Claims 1 to 13 and 15 to 21 under 35 U.S.C. §103

Claims 1 to 13 and 15 to 21 were rejected as being unpatentable under 35 U.S.C. § 103 as being unpatentable over Price in view of Nagano.

Price discloses a cutting mechanism for a gum wrapping machine. A feeder wheel 2 rotates and has pockets 23 for receiving a piece of gum. Plungers 25 have a small pin 29 to hold the gum in place. Paper 39 from spool 40 passes between the outer surface of wheel 2 and a stationary guard 37 extending partially around the circumference of the wheel 2. The guard 37 prevents the gum from being flung out of the pockets 23 due to centrifugal forces. The wheel 2 thus rotates with respect to guard 37. As the paper exits guard 37, a cutting roller 54 cuts the paper as knives 56, 57 enter a groove 58 in wheel 2. Plungers 60 then hold the paper on wheel 2 until the paper passes between guide 59 and wheel 2. Guide 59 is stationary and has a spring to aid in permitting plungers 60 to pass by the guide 59.

Nagano discloses a pinless folder having a cut-off knife and a hold-down blade. The cut-off knife cuts the web and the hold down blade folds the front edge into a gap, where a gripper board grips the front end of the web. Paper presses 42a, 42b of cut off cylinder 40 create a nip with the folding cylinder 41.

Claim 1 of the present invention recites:

“a first cylinder having a surface and having knife assemblies assigned to the surface;

a paper-conducting cylinder having an outer circumference and supporting a flat material on the outer circumference;

the first cylinder having a biased product seizing element assigned to the surface of the first cylinder, the biased product seizing element engaging said flat material received on the outer circumference of the paper-conducting cylinder so as to hold the flat material on the paper-conducting cylinder; and

at least one product gripper attached to the paper conducting cylinder for rotation therewith, the product gripper selectively extending beyond the outer circumference of the paper conducting cylinder to hold the flat material against the outer circumference.”

Claim 1 thus requires (1) that the first cylinder have a biased product seizing element; and (2) that a product gripper is attached to the paper conducting cylinder.

The Examiner has identified, in the Office Action of January 11, 2002, the elements 60 of Price as the biased seizing product element of the first cylinder. The present office action now states that the elements 60 are also the product gripper attached to a paper conducting cylinder.

It is respectfully submitted that elements 60 of Price cannot fulfill the limitations of both the biased product seizing element of the first cylinder and the product gripper attached to the paper conducting cylinder.

In addition, the elements 60 of Price are not attached to a paper conducting cylinder as claimed, but rather to a cylinder with knives.

In addition, elements 42b of Nagano are not grippers and do not selectively "extend beyond the outer circumference" as they are fixed and are coextensive with the outer circumference. Fixed elements cannot selectively extend beyond the outer circumference. In addition, elements 42b of Nagano are not fixed to a paper conducting cylinder as claimed but rather to a cut-off cylinder.

Thus neither Price nor Nagano show the claimed limitations of both a biased seizing element and a gripper, as claimed in claim 1.

Moreover, it is respectfully submitted that it would not have been obvious to modify the Price device with such a gripper, as the stationary guards required by Nagano would prevent the implementation of such a gripper.

Withdrawal of the 35 U.S.C. §103 rejection is respectfully requested with respect to claims 1 and its dependent claims 2 to 10 is respectfully requested.

Claims 11 and 16 each recite similar limitations to claim 1, and withdrawal of the rejection to claims 1 and 16 to 21 is respectfully requested for the same reason as with respect to claim 1. Method claim 13 also recites similar method steps to the functioning of the apparatus of claim 1 and withdrawal of the rejection to claims 13 and its dependent claims 14 and 15 is also respectfully requested.

CONCLUSION

It is respectfully requested that the rejections of claims 1 to 13 and 15 to 21 be withdrawn. It further is respectfully submitted that the present application is now in condition for allowance.

Respectfully submitted,

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